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PATENT

Attorney Docket No.: 6232-252 (193322)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of :
David A. Kirby :
Serial No.: 10/766,708 : Group Art Unit:
Filed: January 27, 2004 : 3634
For: Shade for Shaped Windows : Examiner:
David M. Purol

COMMUNICATION

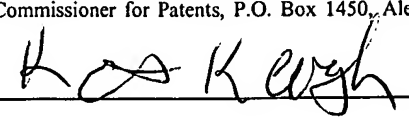
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-Compliant Amendment mailed June 17, 2005, and is being filed within one month from the mail date of the Notice. No fee is due in connection with this paper. The Notice pertains to Applicants' amendment filed June 13, 2005.

The Notice refers to amendments to the drawings, and in particular the lack of the legend "(Replacement Sheet)" in the top margin of the drawings.

The Notice is not understood, because no replacement drawings were submitted with the amendment. No amendment of any kind was made to the drawings, and no objection was made to the drawings in the office action necessitating replacement sheets. It is evident from the attached copy of the amendment filed June 13, 2005, that no drawing amendments were made.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)	
I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
BY	
DATE:	June 24, 2005

Applicant did attach two drawings to the amendment, but those drawings were clearly identified as illustrative of the prior art:

Applicant has attached to this response figures {a}, {b}, and {c}, which illustrate the failure of Barkhurst to satisfy the recited relationship of claim 15. Fig. {a} is a top view of the roller shade assembly of Barkhurst (equivalent to Fig. 3 of Barkhurst). Fig. {b} is a side view of the roller assembly of Barkhurst, demonstrating the hanging fabric at various cross-sections A, B, C. Fig. {c} is a side view of the roller assembly showing wrinkling in the hanging shade fabric. [response filed June 13, 2005, page 8]

The drawings attached to the amendment illustrate how the prior art applied against Applicant's claims failed to suggest the claimed invention. The drawings were clearly not intended to replace the drawings in the application as filed.

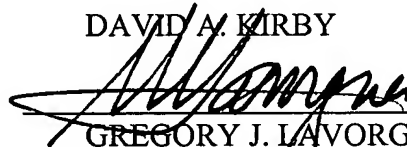
Applicant submits that the Notice of Non-Compliant Amendment mailed June 17, 2005, issued in error.

Withdrawal of the Notice of Non-Compliant Amendment and reconsideration of the application in light of the amendment are earnestly solicited.

Respectfully submitted,

DAVID A. KIRBY

BY:



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